

What we are attempting to do is separate out those who have done things that would bring the judiciary into ill repute, into disrepute. Nobody caught that. Maybe they did. If there are judges doing things that bring the judiciary into disrepute, those judges should be handled. This amendment would do away with suspending a wrongdoing judge for six months, then letting him or her return to the bench. If there is a physical disability, that might be something which should be taken into consideration so that a judge will not be disqualified forever for serving as a judge, but if the lawyers and judges have in mind anything other than that, the physical disability, I think they ought to make that clear for the record right now if they are going to oppose this amendment. Otherwise, I think it should be adopted and I will wait to see what kind of debate occurs before I say any more.

PRESIDENT: The Chair recognizes Senator Hoagland.

SENATOR HOAGLAND: I would rise in opposition again to this particular amendment, Mr. President. I concur 100% with Senator Lewis that we should not use the debate on this particular constitutional amendment to chastise the judges or to try and penalize the judges. We should argue it on the issues. Now this amendment will make the whole judicial system considerably more accountable by giving the Commission on Judicial Qualifications more flexibility in dealing with all kinds of difficulties, a whole range of problems involving the conduct of judges. Senator Chambers' amendment is another attempt to take away that flexibility. Senator Chambers' amendments keep going off in different directions. First they go in a direction of being punitive against the judges. Now they go in the direction of trying to ... in the opposite direction. Now why in the world tie the hands of the Commission on Judicial Qualifications? Why say that they can only use the suspension alternative, to suspend a judge for up to six months for two relatively narrow reasons? Why not leave the flexibility. There are all kinds of situations that could come up where a temporary suspension for up to six months would be warranted and why not leave that flexibility in the constitutional amendment? We can not anticipate every kind of problem the commission is going to have. We can't sit here and figure out in the next twenty, thirty, forty, fifty years, a lifetime of this constitutional amendment, all the different kinds of complaints and all the different kinds of disciplinary proceedings that are going to be brought up. So give the commission the flexibility it needs to deal with the whole gamut of problems from the